

Notice of Allowability

Application No.

10/816,622

Examiner

Binh X. Tran

Applicant(s)

OOTSU ET AL.

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5-19-2006.
2. ☒ The allowed claim(s) is/are 2-10,18-23 and 27-45.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/800,033.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060607.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

NADINE G. NORTON
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Larry Mendenhall on 06-07-2006.
3. The application has been amended as follows:

In the Specification

In the first line of the specification please insert the following paragraph:

--Cross Reference to Related Applications

This application is a divisional of US Application No. 10/407,371 filed on 04-04-2003, now abandoned, which is a divisional of Us Application No. 09/800,033 filed on 03-06-2001, now abandoned.--

Begin on line 16 of page 12, please replacing the paragraph between lines 16-21 in page 12 with the following paragraph:

--Subsequently, the reduced-diameter end portion 14 is severed. More specifically, according to this invention, the cutting is made perpendicularly to the fiber axis at a point m spaced slightly, preferably 20 to 30 μm from the boundary between the tapered surface portion TP and the reduced-diameter portion 14 toward the reduced-

diameter portion. (The 20 to 30 μm distance can be calculated as 40-60% of the 50 μm -diameter of the core or as 16-24% of the 125 μm diameter of the optical fiber element.)

This leaves a reduced-diameter portion 14T with a length m integrally joining to the tapered surface portion TP (see Fig. 2).--

In the claims

In line 4-5 of claim 7, please replace the phrase "the level surface of said etchant" with the phrase --a level surface of an etchant--.

In line 2 of claim 45 please replacing the term "mm" with -- μm --.

Election/Restrictions

4. Claims 2, 7 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 4, 6, 8, 10, 30-32, 36-38, 42-44, directed to the species A and species C are no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

5. Claims 2-10, 18-23, 27-45 are allowed.
6. The following is an examiner's statement of reasons for allowance: Respect to claims 2-6, 18-23, 27-32, 45 the cited prior arts fail to disclose or suggest the step of cutting said reduced-diameter portion at a point space by a distance which does not exceed the diameter of the reduced diameter portion from the boundary between said

tapered surface portion and said reduced-diameter portion toward the reduced-diameter portion in combination with the step of removing said coating film in a partial cylindrical portion thereof so as to form a coating film-removed section and a residual coating film section at one end portion of the optical fiber element and all other limitation in the claims. Respect to claims 7-10, 33-44, the cited prior arts fail to disclose or suggest the step of cutting said reduced-diameter portion at a point space by a distance which does not exceed the diameter of the reduced diameter portion from the boundary between said tapered surface portion and said reduced-diameter portion toward the reduced-diameter portion in combination with the step providing a level controlling means for restraining a level surface of an etchant to the optical fiber element at a position where the optical fiber element contacts the level surface of said etchant.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh X. Tran whose telephone number is (571) 272-1469. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Binh X. Tran

NADINE G. NORTON
SUPERVISORY PATENT EXAMINER

